

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAJU A.T. DAHLSTROM,

Plaintiff,

v.

UNITED STATES, *et al.*,

Defendants.

CASE NO. 2:16-cv-01874-RSL

STIPULATED MOTION TO STAY
PROCEEDINGS DUE TO LAPSE
IN APPROPRIATIONS
AND ORDER

STIPULATED MOTION FOR A STAY DUE TO LAPSE OF APPROPRIATIONS

COMES NOW the parties, by and through counsel, and jointly move for a stay of all proceedings, except the individual defendants' motion for summary judgment (Dkt. No. 82) noted for January 25, 2019. The stay is requested in light of the lapse of government appropriations that funds the Department of Justice ("Department").

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department expired and appropriations to the Department lapsed. The lapse has continued for thirty-three days and the Government does not know when funding will be restored by Congress.

1 2. Absent an appropriation, Department attorneys are prohibited from working,
2 even on a voluntary basis, except in very limited circumstances, including “emergencies
3 involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.
4

5 3. The parties have conferred and agree that all proceedings in this matter should
6 be stayed in light of Government counsel’s inability to participate in the proceedings until
7 appropriations are restored. However, the parties also agree that the individual
8 defendants’ motion for summary judgment (Dkt. No. 82), noted for January 25, 2019,
9 may proceed upon written briefing. If oral argument and/or any type of discovery or
10 additional briefing is granted by the Court, then Government counsel wishes to be able to
11 fully participate. However, the Government has not taken a position or filed a response to
12 the individual defendants’ motion for summary judgment and does not need to participate
13 in that motion based upon the briefing filed to date.
14
15
16

17 4. Therefore, the Government, with Plaintiff’s agreement, is requesting a stay of
18 all proceedings, except as indicated above, until Congress has restored appropriations to
19 the Department.
20

21 5. If this motion for a stay is granted, Government counsel will notify the Court as
22 soon as Congress has appropriated funds for the Department.
23

24 Therefore, although we regret any disruption caused to the Court and other
25 litigants, the parties hereby move for a stay of proceedings until Department attorneys are
26 permitted to resume their usual civil litigation functions.
27

28 //

1 DATED this 23rd day of January, 2019.

2 **SO STIPULATED**

3 BRIAN T. MORAN
4 United States Attorney

5 s/ Tricia Boerger
6 TRICIA BOERGER, WSBA No. 38581
7 Assistant United States Attorney
8 Western District of Washington
9 United States Attorney's Office
10 700 Stewart Street, Suite 5220
11 Seattle, Washington 98101-1271
12 Phone: 206-553-7970
13 Email: tricia.boerger@usdoj.gov

14 *Attorneys for Defendant United States of America*

15 **SO STIPULATED**

16 s/Richard L. Pope
17 RICHARD L. POPE, WSBA No. 21118
18 Lake Hills Legal Services, P.C.
19 15600 N.E. 8th Street, Suite B1-358
20 Bellevue, Washington 98008
21 Phone: 425-829-5305
22 Email: rp98007@gmail.com

23 *Attorney for Plaintiff*

1 **SO STIPULATED**

2 s/Thomas B. Nedderman

3 THOMAS B. NEDDERMAN, WSBA No. 28944

4 WILLIAM J. DOW, WSBA No. 51155

5 Floyd, Pflueger & Ringer P.S.

6 200 W. Thomas Street, Suite 500

7 Seattle, WA 98119

8 Phone: 206-441-4455

9 Email: tnedderman@floyd-ringer.com

10 wdow@floyd-ringer.com

11 *Attorneys for Individual Defendants*

12 **SO STIPULATED**

13 s/Jack W. Fiander

14 Jack W. Fiander, WSBA No. 13116

15 Townuk Law Offices, Ltd.

16 5808A Summitview Avenue, Ste. 97

17 Yakima, WA 98908

18 Phone: 509-961-0096

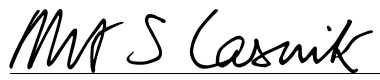
19 Email: Townuklaw@msn.com

20 *Attorney for Individual Defendants*

1 **ORDER**

2 Pursuant to the parties' motion, and the parties having stipulated and agreed, it is
3 hereby **ORDERED** that all proceedings in this matter, except the individual defendants'
4 motion for summary judgment (Dkt. No. 82) and its related pleadings, are stayed until
5 Department of Justice attorneys are permitted to resume their usual civil litigation
6 functions. However, should the Court direct or permit oral argument, and/or any type of
7 discovery, and/or additional briefing, relating to the individual defendants' motion for
8 summary judgment (Dkt. No. 82), the United States may request to fully participate and
9 additional orders may be entered, if and as appropriate.
10
11
12

13 Dated this 24th day of January, 2019.

14
15 
16 Robert S. Lasnik
17 United States District Judge

18 *Presented by:*

19 BRIAN T. MORAN
20 United States Attorney

21 s/ Tricia Boerger
22 TRICIA BOERGER, WSBA No. 38581
23 Assistant United States Attorney
24 Western District of Washington
25 United States Attorney's Office
26 700 Stewart Street, Suite 5220
27 Seattle, Washington 98101-1271
28 (206) 553-7970
tricia.boerger@usdoj.gov
Attorneys for Defendant